

Assembly Bill No. 2147

Passed the Assembly August 26, 2010

Chief Clerk of the Assembly

Passed the Senate August 25, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 2333.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, V. Manuel Pérez. Safe Routes to School construction program.

Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a “Safe Routes to School” construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals.

This bill would additionally authorize grants to be made to school districts and would require, in rating a proposal, the consideration of the proposal’s benefit to a low-income school and the degree to which the proposal reflects the participation, input, and priorities of community stakeholders, as specified. The bill would also require the department to form a multidisciplinary committee to advise the department, as specified.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In 1999, the Legislature enacted Assembly Bill 1475 (Chapter 663, Statutes of 1999), which established the state-administered Safe Routes to School (SR2S) program. California was the first state in the country to create a state safe routes to school program, thereby demonstrating its commitment and investment to safe and healthy children.

(b) In 2007, the passage of Assembly Bill 57 (Chapter 673, Statutes of 2007) extended the SR2S program indefinitely. To

date, the SR2S program has awarded \$243.5 million for local projects.

(c) Since its creation, the SR2S program has improved safety for child pedestrians and bicyclists, encouraged children to lead healthy and active lifestyles, and has facilitated projects that reduce traffic congestion, fuel consumption, and air pollution.

(d) The Department of Transportation, in consultation with the Federal Highway Administration, is responsible for the administration of the program. Specifically, the department is required to make grants available to local governmental agencies based on the results of a statewide competition. The rating of grant proposals is guided by factors outlined both in statute and within program guidelines.

(e) In an effort to improve the SR2S program and the implementation of the grant awards, the department has, over the years, made guideline and scoring modifications with recommendations from an informal advisory committee. Recently, the department has expanded its commitment to supporting low-resource schools by contracting with the State Department of Public Health and the University of California, San Francisco, to evaluate the demographics of SR2S-funded communities and identify barriers in accessing SR2S funds.

(f) In recent years, in anticipation of the appropriation of billions of dollars of federal transportation infrastructure funding, national, state, and local organizations, and federal, state, and local elected officials have coalesced around the question of equitable development and equitable funding, initiating a critical dialogue, at the state and federal levels, about how transportation funds should be spent and how those expenditures will benefit disadvantaged communities.

(g) Governor Schwarzenegger has taken a strong interest in the SR2S program as “a critical program in the fight against obesity.” The Governor is also interested in identifying ways to actively engage low-income communities to increase their participation in the SR2S program and their receipt of funding. To accomplish this goal, the Governor, in a letter to the department dated February 24, 2010, has asked for the department to determine the socioeconomic status of past and current SR2S participants and the appropriate level of participation among these applicants, and to review other Safe Routes to School programs to determine how

they have been effective in securing high participation levels from low socioeconomic status communities. Based on its findings, the Governor has directed the department to adapt the SR2S program to “funding priorities and criteria to increase participation in SR2S among low socioeconomic status, disadvantaged schools and communities.”

(h) As the department implements the Governor’s directives and makes improvement to the guidelines and application rubric, it is incumbent on the state to have these program improvements codified and make necessary changes to the law to ensure the commitment to equitable access to the SR2S program remains constant.

SEC. 2. Section 2333.5 of the Streets and Highways Code is amended to read:

2333.5. (a) The department, in consultation with the Department of the California Highway Patrol, shall establish and administer a “Safe Routes to School” construction program for construction of bicycle and pedestrian safety and traffic calming projects.

(b) The department shall award grants under the program to local governmental agencies, including school districts, based on the results of a statewide competition. In the case of an application submitted by a school district, the department may require that a city or county serve as a responsible agency to ensure that local design standards and applicable state and federal requirements are met. The proposals for funding shall be rated on all of the following factors:

- (1) Demonstrated needs of the applicant.
- (2) Potential of the proposal for reducing child injuries and fatalities.
- (3) Potential of the proposal for encouraging increased walking and bicycling among students.
- (4) Identification of safety hazards.
- (5) Identification of current and potential walking and bicycling routes to school.
- (6) Degree to which the proposal reflects the participation, input, and priorities of community stakeholders, including, but not limited to, school-based associations, local traffic engineers, local elected officials, law enforcement agencies, school officials, parents, students, and business and community leaders.

(7) Benefit to a low-income school.

(c) The department shall form a multidisciplinary Safe Routes to School committee to advise the department that includes representatives of relevant state agencies and other stakeholders, including nonprofit organizations, cities, schools, and no less than one representative of a low-income community.

(d) Any annual budget allocation to fund grants described in subdivision (b) shall be in addition to any federal funding received by the state that is designated for “Safe Routes to School” projects pursuant to Section 1404 of SAFETEA-LU or any similar program funded through a subsequent transportation act.

(e) Any federal funding received by the state that is designated for “Safe Routes to School” projects shall be distributed by the department under the competitive grant process, consistent with all applicable federal requirements.

(f) Prior to the award of any construction grant or the department’s use of those funds for a “Safe Routes to School” construction project encompassing a freeway, state highway, or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the “Safe Routes to School” proposal complements the California Highway Patrol’s Pedestrian Safety Corridor and Bicyclist Enforcement and Education Program and is consistent with its statewide pedestrian and bicycle safety statistical analysis.

(g) The department is encouraged to coordinate with law enforcement agencies’ community policing efforts in establishing and maintaining the “Safe Routes to School” construction program.

Approved _____, 2010

Governor